

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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QUIMEKA SAUNDERS and  
CYNTHIA CHANEY,

Plaintiffs,

v.

HEIDI ARD,

Defendant.

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17-CV-598  
ORDER

On June 30, 2017, the plaintiffs commenced this action. Docket Item 1.

On August 21, 2017, this Court referred this case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B).

Docket Item 5.

On August 8, 2017, the defendant moved to dismiss for lack of jurisdiction, Docket Item 4. The plaintiffs never responded to the defendant's motion. On October 20, 2017, Judge McCarthy issued a Report and Recommendation ("R&R") finding that the defendant's motion should be granted. Docket Item 9. Since the R&R was filed, the plaintiffs have moved for extensions of time to file objections three times. Docket Items 10, 12, 14. Each motion claimed that the parties had reached an agreement and that the matter would be resolved once the parties effectuated the settlement. *Id.* This Court granted all three motions and ordered the plaintiffs' objections due on January 12, 2018. Docket Items 11, 13, 15. Now, two weeks past this deadline, neither party has filed objections or a stipulation of settlement. Because the parties did not

object to the R&R after this Court granted three extensions, the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge McCarthy's R&R. Based on that review and the absence of any objections, the Court accepts and adopts Judge McCarthy's recommendation to grant the defendant's motion.

For the reasons stated above and in the R&R, the defendant's motion to dismiss for lack of jurisdiction, Docket Item 4, is GRANTED; the complaint, Docket Item 1, is dismissed; and the Clerk of the Court is instructed to close the file.

SO ORDERED.

Dated: February 1, 2018  
Buffalo, New York

***s/Lawrence J. Vilardo***  
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LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE